

Message Text

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PAGE 01 ABIDJA 06762 120922Z

21

ACTION EB-07

INFO OCT-01 AF-06 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-01 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04 TRSE-00

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R 111717Z AUG 75

FM AMEMBASSY ABIDJAN

TO SECSTATE WASHDC 4601

C O N F I D E N T I A L ABIDJAN 6762

DEPARTMENT PASS FMTC/USDOC

E.O. 11652: GDS

TAGS: EWWT, IV

SUBJECT: CUSTOMS FINES IMPOSED ON FARRELL LINES VESSELS

REFERENCES: A) ABIDJAN A-66

B) ABIDJAN 6007

C) STATE 155003

1. ROBERT KENNERLY, FARRELL LINES, WEST AFRICA REP LAGOS, CALLED ON COMM ATT AUGUST 8 TO DISCUSS IMPOSITION OF FINES BY IVORIAN CUSTOMS OFFICIALS DURING 1972-74 PERIOD. AS REPORTED REFS A) AND B) FARRELL RECEIVED LARGER NUMBER OF AND MORE SEVERE FINES THAN DELTA(OTHER US FLAG SHIPPER USING ABIDJAN PORT). REP STATED THAT ALL INSTANCES OF FINES WERE BASED SOLELY ON SUSPICION, NOT CONVICTION, AND FINES PAID WITHOUT RECOURSE TO FARRELL N.Y. BY AGENT HERE (SOAEM), BECAUSE CUSTOMS OFFICIALS THREATENED DETENTION OF VESSEL IN PORT IF FINES NOT PAID. KENNERLY ALSO STATED FARRELL SERIOUSLY CONSIDERING PUTTING PORT SURCHARGE ON GOODS LANDNG ABIDJAN OR INCREASING FREIGHT RATES TO PORT TO COMPENSATE FOR LOSSES. EMBASSY WOULD APPRECIATE KNOWING IF FARRELL HAS INDICATED THIS TO USG MARITIME COMMISSION.

2. COMM ATT DESCRIBED EMBASSY INQUIRIES INTO MATTER

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 ABIDJA 06762 120922Z

(SEE REFTEL) AND STRESSED THAT IN ALL INSTANCES MASTERS OF

VESSELS OR AGENT IN QUESTION HAD FAILED TO NOTIFY EMBASSY OF PROBLEMS. FURTHER STRESSED THAT EMBASSY CAN PROVIDE BETTER ASSISTANCE IN SUCH MATTERS WHEN INCIDENT OCCURS RATHER THAN AFTER THE FACT. (LAST FINE REPORTED ACCORDING TO FARRELL, NOVEMBER 1974, YET COMM ATT NOT INFORMED DURING KENNERLY'S LAST VISIT - FEBRUARY 1975).

3. CONSULAR OFFICER REPORTS THAT WHILE FARRELL MASTERS CALL ONLY OCCASIONALLY WITH CREW LISTS (THIS IS NORMALLY FILED BY THEIR REPRESENTATIVE), THERE HAVE BEEN NO REPORTS OR COMPLAINTS REGARDING THESE FINES. FARRELL REP BELIEVES THESE FINES ARE DISCRIMINATORY DESPITE AGENT'S VIEW RELAYED IN REFS A) AND B). IN PAST, FARRELL HAS BEEN EXCESSIVELY FINED RELATIVE TO DELTA, BUT THAT IS MOST LIKELY RESULT OF MORE PORT CALLS AND HIGHER VALUED CARGO. CLEARLY EVIDENT PER REF A) THAT ABIDJAN HAS VIRTUALLY HIGHEST RATE OF FINES IN WEST AFRICA AND IS NOT PREFERENCING US VESSELS OVER OTHER FOREIGN FLAG-CARRIERS.

4. COMM ATT INDICATED TO FARRELL REP THAT WE COULD BE OF MORE HELP IN DETERMINING VALIDITY OF POSSIBLE DISCRIMINATION IF WE WERE NOTIFIED WHEN INCIDENT OCCURRED BY EITHER THEIR AGENT OR MASTER OF THE VESSEL. SOME AGENTS INFORMED EMBASSY ON INITIAL CONTACT THAT THEY WERE ONLY VAGUELY OR NOT AT ALL AWARE OF FINES AND REFERRED US TO ANOTHER SOURCE. OF AGENTS CONTACTED, ONLY SOAEM (FARRELL AGENT ABIDJAN) WAS FULLY AWARE OF PROBLEMS WITH FINES AND CONVINCED IT WAS NOT DISCRIMINATORY TOWARD AMERICAN FLAG VESSELS OR FARRELL.

5. FARRELL, HOWEVER, HAS RAISED THIS EXTENSIVELY AT LINER CONFERENCES BUT NOT WITH USG, UNTIL RECENTLY. 1975 RECORDS INDICATE THAT FINES ON THEIR SHIPS CONTINUE TO BE RELATIVELY HEAVY VIS-A-VIS DELTA BUT NOT NECESSARILY SO VIS-A-VIS OTHER FLAG VESSELS. IF FARRELL INSTITUTES SURCHARGE ON ABIDJAN PORT CALLS, MARITIME COMMISSION MAY BE INTERESTED, GIVEN POTENTIAL COST TO SOME US AGENCIES, IN DETERMINING WHAT PERCENTAGE OF USG CARGO WOULD BE INVOLVED IN THESE SHIPMENTS AND WHAT ADDITIONAL COSTS WOULD BE INCURRED IF 10 PERCENT SURCHARGE ADDED.

6. PLEASE ADVISE POST WHAT ACTION SHOULD BE TAKEN IF FURTHER
CONFIDENTIAL

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PAGE 03 ABIDJA 06762 120922Z

INVESTIGATION INDICATE POSSIBLE DISCRIMINATION AND WHAT, IF ANY, REPRESENTATIONS POST SHOULD MAKE TO GOIC CUSTOMS TO INSURE FAIR TREATMENT.
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Message Attributes

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Decaption Note:
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Disposition Authority: greeneet
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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